

**South Carolina General Assembly**  
122nd Session, 2017-2018

**H. 5001**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Clary

Document Path: l:\council\bills\ggs\22100zw18.docx

Introduced in the House on February 22, 2018

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Clean Energy Access Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
2/22/2018	House	Introduced and read first time ( <a href="#">House Journal-page 63</a> )
2/22/2018	House	Referred to Committee on <b>Labor, Commerce and Industry</b> ( <a href="#">House Journal-page 63</a> )

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**VERSIONS OF THIS BILL**

[2/22/2018](#)

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9 **A BILL**

10  
11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,  
12 1976, BY ADDING CHAPTER 41 TO TITLE 58 SO AS TO  
13 ENACT THE “CLEAN ENERGY ACCESS ACT”, TO  
14 REQUIRE THAT ELECTRICAL UTILITIES PROVIDE  
15 PARTICIPATING CUSTOMERS WITH ACCESS TO  
16 RENEWABLE ENERGY PROGRAMS, TO ESTABLISH  
17 PROCEDURES FOR PARTICIPATING CUSTOMERS TO  
18 SELECT RENEWABLE ENERGY FACILITIES FROM WHICH  
19 ELECTRICAL UTILITIES ARE TO PROCURE ENERGY,  
20 CAPACITY, AND ENVIRONMENTAL ATTRIBUTES ON  
21 BEHALF OF PARTICIPATING CUSTOMERS, AND TO  
22 DEFINE RELEVANT TERMS.

23  
24 Be it enacted by the General Assembly of the State of South  
25 Carolina:

26  
27 SECTION 1. Title 58 of the 1976 Code is amended by adding:

28  
29 “CHAPTER 41

30  
31 Access to Clean Energy for South Carolina Businesses and  
32 Institutions  
33

34 Section 58-41-10. This chapter may be cited as the ‘Clean  
35 Energy Access Act.’  
36

37 Section 58-41-20. As used in this chapter:

38 (1) ‘Commission’ means the South Carolina Public Service  
39 Commission.

40 (2) ‘Electrical utility’ is defined as set forth in Section  
41 58-27-10(7); however, electrical utilities serving less than one  
42 hundred thousand customer accounts are exempt from the

1 provisions of this chapter. For purposes of this chapter, and  
2 notwithstanding any provision of law to the contrary, the South  
3 Carolina Public Service Authority constitutes an electrical utility.  
4 A renewable energy supplier participating in an electrical utility's  
5 voluntary renewable energy program pursuant to this chapter is not  
6 considered an electrical utility for purposes of this chapter.

7 (3) 'Eligible customer' means a person, corporation, or legal  
8 entity with a contract demand greater than or equal to one  
9 megawatt at a single metered location or aggregated across  
10 multiple metered locations.

11 (4) 'Generation credit' means a credit applied by an electrical  
12 utility to the bill of a participating customer that is equal to the  
13 value of the electrical utility's system of the energy and capacity  
14 provided by a renewable energy supplier under a power purchase  
15 agreement, based on the electrical utility's avoided costs.

16 (5) 'Participating customer' means an eligible customer that  
17 elects to have a portion or all of its electricity needs supplied by a  
18 voluntary renewable energy program pursuant to the provisions of  
19 this chapter.

20 (6) 'Participating customer agreement' means an agreement  
21 between a participating customer and an electrical utility  
22 establishing the customer's right to participate in the electrical  
23 utility's voluntary renewable energy program.

24 (7) 'Power purchase agreement' means an agreement between  
25 an electrical utility and a renewable energy supplier for the  
26 purchase and sale of energy, capacity, and environmental attributes  
27 from the renewable energy supplier's renewable energy facility  
28 pursuant to this chapter.

29 (8) 'Renewable energy contract' means a contract between a  
30 participating customer and a renewable energy supplier that  
31 commits the parties to participating in an electrical utility's  
32 voluntary renewable energy program in accordance with the terms  
33 of an applicable power purchase agreement and participating  
34 customer agreement.

35 (9) 'Renewable energy facility' means a facility for the  
36 production of electrical energy that utilizes a renewable generation  
37 resource as defined in Section 58-39-120(F), that is placed in  
38 service after the effective date of this chapter, and for which costs  
39 have not been included in an electrical utility's rates.

40 (10) 'Renewable energy supplier' means the owner or operator  
41 of a renewable energy facility, including the affiliate of an  
42 electrical utility that contracts with a participating customer.

1 (11) 'Voluntary renewable energy program' means a tariff filed  
2 with the commission by an electrical utility that enables a  
3 participating customer to receive and pay for electric service,  
4 including the energy and environmental attributes specified in the  
5 renewable energy contract, from the electrical utility pursuant to  
6 the terms of the tariff.

7  
8 Section 58-41-30. (A) Each electrical utility shall file a  
9 voluntary renewable energy program for review and approval by  
10 the commission within ninety days after the effective date of this  
11 act. The program shall provide that:

12 (1) the participating customer has the right to select the  
13 renewable energy facility from which the electrical utility shall  
14 procure energy, capacity, and environmental attributes on behalf of  
15 the participating customer and to negotiate the power purchase  
16 agreement purchase price and contract length with the renewable  
17 energy supplier;

18 (2) the electrical utility shall enter into a power purchase  
19 agreement with the renewable energy supplier to purchase energy,  
20 capacity, and environmental attributes for the benefit of the  
21 participating customer. The renewable energy supplier and the  
22 participating customer in the renewable energy contract shall agree  
23 to the purchase price and the contract length;

24 (3) the renewable energy contract, power purchase  
25 agreement, and participating customer agreement must be of equal  
26 duration, ranging between two years and twenty years, as agreed to  
27 by the participating customer and the renewable energy supplier;

28 (4) in addition to paying a retail bill calculated pursuant to  
29 the rates and tariffs that would be otherwise applicable to the  
30 participating customer if the customer were not participating in the  
31 program, reduced by the amount of the generation credit, a  
32 participating customer shall reimburse the electrical utility on a  
33 monthly basis for the amount paid by the electrical utility to the  
34 renewable energy supplier for the purchase of the output of its  
35 renewable energy facility for the benefit of the participating  
36 customer, plus an administrative fee not to exceed five hundred  
37 dollars per month, regardless of the participating customer's  
38 number of aggregated metered locations;

39 (5) the electrical utility shall retire any environmental  
40 attributes associated with the generation of renewable energy  
41 procured pursuant to the program on behalf of the participating  
42 customer; and

1 (6) the electrical utility is not liable for costs related to  
2 participating customer or renewable energy supplier default.

3 (B) In addition to terms negotiated between the participating  
4 customer and the renewable energy supplier in a renewable energy  
5 contract, each electrical utility's voluntary renewable energy  
6 program shall provide standard terms and conditions for the  
7 participating customer agreement and the power purchase  
8 agreement. These standard terms and conditions are subject to  
9 commission review and approval.

10 (C) A participating customer is eligible to annually procure an  
11 amount of energy equal to one hundred twenty-five percent of its  
12 most recent annual energy usage through the voluntary renewable  
13 energy program.

14 (D) An electrical utility may not charge any nonparticipating  
15 customers for any direct costs incurred pursuant to the provisions  
16 of this chapter.

17 (E) An electrical utility shall comply with the requirements of  
18 this chapter until the aggregated amount of installed nameplate  
19 generation capacity procured pursuant to this chapter equals ten  
20 percent of the previous five-year average of the electrical utility's  
21 South Carolina retail peak demand. Renewable electricity procured  
22 on behalf of customers that began service with the electrical utility  
23 after the effective date of this act is not included in the ten percent  
24 calculation."

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26 SECTION 2. This act takes effect upon approval by the Governor.

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